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COMMITTEE AGAINST TORTURE

Thirteenth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 190th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 7 November 1994, at 10.30 a.m.

Chairman: Mr. DIPANDA MOUELLE

CONTENTS

Opening of the session

Statement by the Assistant Secretary-General for Human Rights

Adoption of the agenda

Organizational and other matters

Submission of reports by States parties under article 19 of the Convention

* The summary record of the second part (closed) of the meeting appears as document CAT/C/SR.190/Add.1.

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The meeting was called to order at 10.45 a.m.

OPENING OF THE SESSION

1. The CHAIRMAN declared the session open and welcomed the members of the Committee.

STATEMENT BY THE ASSISTANT SECRETARY-GENERAL FOR HUMAN RIGHTS

2. Mr. FALL (Assistant Secretary-General for Human Rights) said that, for the thirteenth time, the Committee against Torture was to examine the situation worldwide with regard to what the Vienna Declaration and Programme of Action had stigmatized as one of the worst kinds of human rights violations. He paid tribute to the important work of the Committee, which non-governmental organizations relied upon in their efforts.

3. In his latest report on the work of the Organization (A/49/1), the Secretary-General, emphasizing the fruitful work of the human rights treaty bodies, had referred to the formulation of recommendations to States parties concerning the implementation of the various treaties and the more active role that the treaty bodies were seeking to develop in order to ensure respect for international standards in practice; stressed the need to strengthen ties with the specialized agencies and non-governmental organizations and establish closer connections between the findings of the treaty bodies and the programme of advisory services and technical cooperation; drew attention to the goal of achieving universal ratification of the basic human rights treaties set by the Vienna Declaration and Programme of Action; regretted that only 82 States had ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and strongly encouraged all Member States that had not yet done so to ratify the international human rights instruments, and especially the Convention against Torture.

4. The Secretary-General had sent a letter, dated 21 September 1994, to the heads of the States concerned urging them to expedite ratification of the relevant instruments and had instructed the High Commissioner for Human Rights to engage in dialogue with Governments with a view to achieving universal ratification of the various international instruments. The Centre for Human Rights would continue to provide technical assistance to States in overcoming any difficulties that they might encounter in attaining that goal.

5. He was pleased to announce that, since the publication of the Secretary-General's report, the United States of America and Georgia had ratified the Convention (on 21 October and 26 October, respectively).

6. Reporting on important developments since the end of the Committee's twelfth session in April 1994, he referred first to the thirteenth meeting of the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture, held at Geneva from 17 to 27 May 1994. Given the limited means at its disposal, the Board had been unable to provide in full for the

unprecedented number of projects requested, requiring more than US$ 5 million, but it had been able to subsidize 106 projects in 60 countries, for a total of $3.7 million. Requests from African, Eastern European and Asian organizations had been constantly increasing, whereas the number of new projects originating in Latin America had declined.

7. The Board had continued the policy it had adopted the previous year of financing fewer academic studies, focusing instead on granting direct assistance to victims and encouraging projects to provide legal assistance in national courts for defending the right of victims of torture to restitution, compensation and rehabilitation. The Chairman of the Board had also replied to a larger number of urgent requests emanating either from individual torture victims or from organizations whose activities were in danger of being discontinued.

8. The Special Rapporteur on the question of torture of the Commission on Human Rights continued to receive an alarming number of communications on cases of torture. Since the beginning of 1994, he had received some 120 urgent appeals concerning persons alleged to have been tortured or to be in danger of being tortured during incommunicado detention or during interrogation, i.e. twice the number of appeals for the same period in 1993. That showed not only that torture was on the increase worldwide, but also that groups and individuals were becoming more and more aware of the phenomenon, largely as a result of the unstinting efforts of the non-governmental organizations. The Special Rapporteur had written to some 50 Governments to inform them of the allegations of torture that he had received concerning them.

9. Another subject of direct interest to the Committee was the fact that the Working Group on the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment had, at its third session, drawn up seven new articles for the draft protocol, in addition to the seven it had already elaborated at its previous session. The report of the Working Group on its activities would be made available to the Committee as soon as possible.

10. The chairpersons of treaty bodies, meeting from 19 to 23 September at Geneva, had considered the set of problems that all the treaty bodies had to face, including overdue reports, questions concerning reservations and the succession of States in respect of human rights instruments, mechanisms to prevent human rights violations and, above all, measures to improve coordination of work among the various committees. The meeting had studied ways of involving the specialized agencies and non-governmental organizations more closely in the work of the treaty bodies.

11. Lastly, he assured the Committee that he himself and the Centre for Human Rights would make every effort to assist it in its endeavours.

ADOPTION OF THE AGENDA (item 1 of the provisional agenda) (CAT/C/27)

12. The provisional agenda (CAT/C/27) was adopted.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 2)

13. After a procedural discussion in which Mr. LORENZO, Mr. SORENSEN and Mrs. ILIOPOULOS-STRANGAS took part, it was decided that the Committee should begin its consideration of agenda items 5 and 6 at the current meeting.

SUBMISSION OF REPORTS BY STATES PARTIES UNDER ARTICLE 19 OF THE CONVENTION (agenda item 3)

14. Mr. BRUNI (Secretary of the Committee) drew the Committee's attention to the annotations to agenda item 3 contained in document CAT/C/27 and to documents CAT/C/5, 7, 9, 12, 16/Rev.1, 21/Rev.1 and 24, which contained lists of the States parties which should have submitted their initial reports between 1988 and 1994, and to documents CAT/C/17, 20/Rev.1 and 25, which contained lists of those States parties whose second periodic reports had been due in 1992, 1993 or 1994. The situation relating to initial reports due in 1988 was virtually unchanged since the Committee's previous session: 27 initial reports had been requested, two of which, in respect of Togo and Uganda, had not yet been received. At its seventh session, the Committee had invited each of the two States parties in question to submit one document containing, the initial report and the second periodic report, due in 1992. It had also recommended, at its previous session, that the Centre for Human Rights should provide Uganda with technical assistance in preparing its reports; as a result, a representative of the Ugandan Government was currently attending such a course, at the ILO's International Training Centre in Turin. In the case of Togo, 10 reminders, including a letter from the Chairman of the Committee to the Minister for Foreign Affairs, remained unanswered.

15. At its eleventh session, the Committee had requested Belize to submit, by 10 March 1994, a fresh version of its initial report, which was too cursory; despite two reminders from the Secretariat, nothing had yet been received. In 1989, 10 reports had been requested. That of Guyana had not been received to date, despite seven reminders. In that instance, too, the Committee, had at its tenth session, invited the State party to submit its initial and second periodic reports in a single document.

16. Of the 11 initial reports requested in 1990, those of Brazil and Guinea had not yet been received, despite several reminders. Since there had been a delay of more than three years, the Chairman, at the Committee's request, had held talks with the representative of Brazil, and had sent a letter to the Guinean Minister for Foreign Affairs. The Committee might likewise wish to ask those two States parties to submit their initial and second periodic reports in a single document.

17. Of the seven initial reports requested in 1991, that of Guatemala had just been received by the Secretariat; those of Malta and Somalia had not yet been received, and reminders had been sent. Malta's report was over three years overdue; in that case, too, a meeting between the Chairman and a representative of Malta could perhaps be considered.

18. Of the 10 initial reports requested in 1992, those of Croatia, Estonia, Jordan, Venezuela, Yemen and Yugoslavia had not yet been submitted; the States parties had already been sent one or two reminders. Estonia had indicated, in March 1994, that its report was being prepared and would be submitted shortly. With regard to Croatia, a government representative was currently attending the course of training in report preparation already mentioned.

19. Of the eight initial reports expected in 1993, only two had been received. Five of the six States parties whose reports were overdue - Benin, Bosnia and Herzegovina, Cape Verde, Latvia and the Seychelles - had been sent reminders.

20. Out of a total of 81 initial reports due between June 1988 and October 1994, 57 had been submitted and 24 were overdue.

21. Of the 26 second periodic reports, requested for 1992, 14 were overdue; the State parties concerned - Afghanistan, Austria, Belize, Bulgaria, Cameroon, Denmark, France, Luxembourg, the Philippines, the Russian Federation, Senegal, Togo, Uganda and Uruguay - had received a third reminder in September 1994. Of the nine periodic reports requested for 1993, six were overdue.

22. Greece, whose second periodic report had been considered in April 1994, had submitted some additional information - and would be forwarding further details later - in response to questions asked by members of the Committee.

23. Mr. SORENSEN said that the problem of late submission of reports had been discussed in the meetings of Chairpersons of treaty bodies, whose concern had been voiced at the Vienna World Conference on Human Rights. It had been suggested that, as a last resort, the chairman of the body concerned could send a letter to the State party and that, if there was no satisfactory reply, implementation of the relevant instrument in the State party concerned could be reviewed in the absence of the latter's report; the State party could, however, send a representative if it so desired. The chairpersons of the treaty bodies felt that such action was within the mandates of those bodies, but it seemed that some members of the Committee against Torture did not think that the Committee had a mandate to do so. In his view, such action was warranted in the case of Togo, which was not only long overdue in submitting its reports but, unlike Uganda, had failed to respond to the Committee's reminders. In that connection, he would like to know whether any other treaty body had taken steps of that kind.

24. Mrs. KLEIN (Representative of the Secretary-General) said that the Committee on Economic, Social and Cultural Rights had decided to review, in the absence of a State party's report, the implementation of the relevant international covenant in the country concerned; in such a case, a letter would be sent to the States party's permanent representative requesting the submission of a report within three months, failing which the situation would be reviewed on the basis of information from other sources. The Committee on

the Elimination of Racial Discrimination had likewise considered such a procedure, confined to cases in which only one report had ever been submitted.

25. Replying to a question by Mr. BURNS, as to whether the wording of article 19 of the Convention was reflected in other instruments, she said that the International Convention on the Elimination of All Forms of Racial Discrimination provided that initial reports were to be submitted within one year after the entry into force of the Convention for the State concerned, and thereafter every two years and whenever the monitoring committee so requested. The wording of the International Covenant on Economic, Social and Cultural Rights was not so precise with regard to the timing of reports; consideration was the responsibility of the Economic and Social Council.

26. Mr. BURNS said that he foresaw problems ahead if the wording of the various relevant instruments did not reflect a uniform mandate.

27. Mr. LORENZO agreed. He added that the Committee's own mandate in that regard should be discussed at its current session, and that a time for the discussion should be established forthwith.

28. Mr. GIL LAVEDRA said he agreed with the two previous speakers.

29. Mr. SORENSEN said he thought it would be a good idea to study the provisions of article 19 with a view to the Committee's consideration of its mandate for the procedure suggested.

30. Mr. EL IBRASHI said he agreed that consideration of article 19 was highly relevant to the discussion of the Committee's mandate, and that it might take place the following week.

31. The CHAIRMAN said that there appeared to be a consensus in favour of discussing the Committee's mandate at the current session, but not immediately, and suggested that the Committee might wish to make time available for that purpose in the course of the following week.

32. It was so agreed.

33. Mr. LORENZO suggested that the Committee, might find it useful to compare the provisions of its own Convention with those of the other five human rights Conventions, for which purpose copies of the other conventions would be needed.

34. Noting that the United States and Georgia had just ratified the Convention, he asked whether those States parties had recognized the competence of the Committee with respect to the provisions of articles 21 and 22 of the Convention.

35. Mr. BRUNI (Secretary of the Committee) said that copies of the latest compilation of international human rights instruments (ST/HR/1/Rev.5, vols. I and II) would be distributed at the end of the meeting.

36. The United States had made a declaration in respect of article 21 of the Convention, but not of article 22; it thus accepted the complaints procedure between States but not that of individuals against a State. It had also entered reservations in respect of article 30, paragraph 1. A copy of the United States instrument of ratification, which had been received by fax, could be made available for consultation, although it had not yet been translated or passed by the legal department. Information that Georgia had acceded to the Convention had also been received by fax, and there had been no mention either of reservations or of declarations under articles 21 and 22.

The first part of the meeting (public) rose at 11.55 a.m.